



1271

PATENT
2059-0106P7324
0360
#4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Harold G. BROWN et al. CONF: 7324
SERIAL NO.: 09/880,907 GROUP: Unknown
FILED: June 15, 2001 EXAMINER: Unknown
FOR: A PHARMACEUTICAL COMPOSITION OF COMPLEX
CARBOHYDRATES AND ESSENTIAL OILS AND METHODS OF
USING THE SAME

LETTER SUBMITTING RULE 131 DECLARATION

Assistant Commissioner of Patent
Washington, D.C. 20231

August 29, 2001

Sir:

The following remarks and executed Rule 131 Declaration are submitted further to the Preliminary Remarks filed on June 15, 2001.

REMARKS

The Examiner's position of record is that there is no explanation for the gap in time between the filing of the parent application and the 2.5 year period after the reduction to practice. Assuming, arguendo, the Examiner established a *prima facie* case of abandonment of the invention, the Examiner's attention is directed to the attached executed Supplemental Rule 131 Declaration. Briefly, in the Declaration, one of the inventors explains that numerous experiments were conducted during the 2.5 year period in question in order to support the scope of the claimed invention. In this regard, the inventors tested a significant number of complex carbohydrates and a significant number of essential oils for effectiveness in treating various

conditions. This was a huge task for any company.

Accordingly, the rejections including the rejection under 35 U.S.C. 102(c) should be withdrawn since the Examiner has not established a *prima facie* case of abandonment, or alternatively, Applicants have rebutted the rejection(s).

If the Examiner has any questions concerning this application, he is requested to contact the undersigned at (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 

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MSW/sh
2059-0106P

IN THE U.S. PATENT AND TRADEMARK OFFICE



Applicant: Harold G. Brown

Serial No.

Group 1211

Filed: Divisional of Parent case
filed May 12, 1994

Examiner: H. Lee

For: A PHARMACEUTICAL COMPOSITION OF COMPLEX
CARBOHYDRATES AND ESSENTIAL OILS AND METHODS OF
USING THE SAME

DECLARATION UNDER 37 CFR 1.131

Honorable Commissioner of Patents
and Trademarks
Washington D.C. 20231

Sir:

I, Dr. Harold G. Brown declare as follows:

During the time between the reduction to practice of the composition of Wintergreen Oil in combination with hyaluronic acid or chondroitin sulfate and filing of the patent application on May 12, 1994, I was preparing and testing numerous other types of complex carbohydrates and essential oils in order to expand the scope of the initial invention.

This work involved preparing formulations containing chondroitin sulfate, heparin sulfate, heparin, keratin sulfate, dermatin sulfate, glucosamine, aloe vera, dextrans, dextrose, fructose and sialic acid in combination with Eucalyptus Oil, Pine Needle Oil, White Birch Oil, Spearmint Oil, Tea Tree Oil, Peppermint Oil, Camphor Oil, Sage Oil, Johoba Oil, Cinnamon Oil, Anise Oil, Lemon Oil, Lime Oil, Orange Oil, Clove Oil, Almond Oil, White Pine Oil, Cardamon Oil, Cedar Lef Oil and Menthol. After formulation, each sample was evaluated in humans, for its effectiveness in treating various conditions. This work required several years to complete and provided the information necessary to demonstrate that a significant number of complex carbohydrates in combination with numerous essential oils are effective as described.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

7/22/01
Date

Harold G. Brown
Dr. Harold G. Brown